

Notice of Allowability	Application No.	Applicant(s)	
	09/672,838	ABERNETHY, WILLIAM RANDOLPH	
	Examiner	Art Unit	
	F. Ryan Zeender	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication received 10/28/2005 and an interview with applicant on 1/13/06.
2. ☒ The allowed claim(s) is/are claim 29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Randall Beckers on 1/13/06.

The application has been amended as follows:

Claims 1-28 and 30-42 were cancelled.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art, Belzberg (US 6,134,535), teaches a computer automated stock exchange trading system whereby a graphic user interface is used to select parameters including share symbol, price selection, order size, and transaction type; the system further capable of trading a basket of shares substantially instantaneously.

Belzberg lacks the teaching of a basket open view comprising the combination of a name field, a share threshold field, a weighting field, a share threshold field, an index type field, and an assets field; in further combination with a basket trade view comprising the combination of a minimum amount field, an order entry field indicating a condition or not, a condition field, a weighting field, and a variance field; a relationship

Art Unit: 3627

view; a basket balancing view; an asset search view; a basket rotate view; and a gallery basket view.

The prior art, WO95/27945, teaches a data processing system for financial debt instrument whereby the debt instrument is based on an underlying basket of stocks optimally selected to track an established capital market.

WO95/27945 lacks the teaching of a basket open view comprising the combination of a name field, a share threshold field, a weighting field, a share threshold field, an index type field, and an assets field; in further combination with a basket trade view comprising the combination of a minimum amount field, an order entry field indicating a condition or not, a condition field, a weighting field, and a variance field; a relationship view; a basket balancing view; an asset search view; a basket rotate view; and a gallery basket view.

The prior art, PR Newswire, "ACCUTRADE INC., A LEADER IN DISCOUNT BROKERAGE, INTRODUCES NEW WINDOWS-BASED BROKERAGE SERVICE", teaches a brokerage service whereby investors can trade a basket of stocks.

The PR Newswire article lacks the teaching of a basket open view comprising the combination of a name field, a share threshold field, a weighting field, a share threshold field, an index type field, and an assets field; in further combination with a basket trade view comprising the combination of a minimum amount field, an order entry field indicating a condition or not, a condition field, a weighting field, and a variance field; a

relationship view; a basket balancing view; an asset search view; a basket rotate view; and a gallery basket view.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed in the application for patent, are novel and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. Zeender
Primary Examiner
A.U. 3627

 1/17/06
F. RYAN ZEENDER
PRIMARY EXAMINER